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Attorneys for Defendant
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JEFFERY L. LUQUE, individually and as
Guardian ad Litem for CHRISTENE
LUQUE, a minor,

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

Civ. No: C 05-2471 JSW

**STIPULATION AND
REQUEST FOR DISMISSAL
OF CHRISTINE LUQUE'S
CAUSE OF ACTION AND
RELATED COUNTER-
CLAIM WITHOUT
PREJUDICE; AND ORDER
THEREON**

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1 IT IS HEREBY STIPULATED by the parties to the above-entitled action,
 2 that Plaintiffs, Jeffrey Luque individually and as Guardian Ad Litem for Christine
 3 Luque (a minor), and Defendant, United States of America, by and through their
 4 respective counsel of record, that the Second Cause of Action concerning alleged
 5 injuries to Christine Luque (also known as Christine Caetano) be dismissed,
 6 *without prejudice*.

7 The parties further stipulate that the Defendant's related Counter-Claim
 8 against Plaintiff, Jeffrey Luque, be dismissed, *without prejudice*.

9 Defendant, United States of America, enters this stipulation without waiving
 10 any of its rights and/or defenses, including jurisdictional ones.

11
 12 DATED: June 20, 2006

BANNING MICKLOW & BULL, LLP

13
 14 By: /s/ Kurt Micklow
 15 KURT MICKLOW
 16 EUGENE A. BRODSKY
 17 JENNIFER L. FIORE
 Attorneys for Plaintiffs

18 DATED: June 19, 2006

PETER D. KEISLER
 Assistant Attorney General
 JOHN K. VINCENT
 United States Attorney

21 /s/Jeanne M. Franken
 22 JEANNE M. FRANKEN
 23 Trial Attorney
 U.S. Department of Justice

24 Attorneys for Defendant
 UNITED STATES OF AMERICA

25 **CERTIFICATE OF SIGNATURE(S)**

26 I attest that the content of the document is acceptable to all persons above,
 27 who were required to sign the document. /S/ Kurt Micklow

(PROPOSED) ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. Plaintiffs' Second Cause of Action for alleged injuries to Christine Luque (Caetano) and Defendant's Related Counter Claim against Plaintiff, Jeffrey Luque, shall be dismissed, *without prejudice*.

DATED: June 21, 2006


THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE